

From: [OMEALY Mikell](#)
To: [Valerie Lee](#)
Cc: [Chris Thompson](#); [Chip Humphrey/R10/USEPA/US@EPA](#)
Subject: RE: Management objectives for Portland Harbor
Date: 10/20/2005 11:09 AM

Thanks very much, Val. This justification is helpful, and we have time for the Eco Team to discuss and come to agreement on this at our October 24-25 work session next week.

See you then.
Mikell

-----Original Message-----

From: Valerie Lee [mailto:valerie.lee@eiltd.net]
Sent: Friday, October 14, 2005 8:33 PM
To: OMEALY Mikell
Cc: Chris Thompson; Chip Humphrey
Subject: Re: Management objectives for Portland Harbor

Thanks for the comments Mikell. We're on it!

By way of background, at times, given the statements and actions of the EPA leads for eco, it is not clear that EPA agrees that protection of lamprey and sturgeon on an individual organism basis is appropriate or that protection at the population level is very important. This appears to be an important factor in their professional judgments about what are data gaps and data needs for Round 3. It does not appear that the EPA shares as high a need for certainty as do the tribes (or the City, *see below*) regarding analysis of potential risk to these species and protectiveness in terms of remedies. Maybe you can give us some pointers on whether you think that the text below will help clarify the tribes' interest and objectives associated with the identification of data gaps and needs for Round 3. Here is our first try at the better explanation you seek. --

As you are probably are aware, there is a trust responsibility on the part of EPA to protect the rights and interests of the tribes. Salmonids, lamprey and sturgeon are fundamental to tribes and a part of the rights and interest that must be protected by EPA acting in their trust capacity. It is important to be explicit that the protection of individuals of these species is a management objective to be sure that *all* members of the LWG understand the importance of salmonids, lamprey, and sturgeon in EPA's risk management/protection strategy. Clarifying the management objectives also helps ensure that there is a shared vision on the government team regarding this objective and, if there is not, to discuss the issue and come to a resolution that supports our already positive relationship. This needs to be accomplished before Round 3.

From a purely technical perspective, providing explicit management objectives that include protection of salmonid, lamprey and strugeon will help the government team identify "data gaps," "prioritize" studies and weigh remedial alternatives in the FS. The management objectives help clarify the basis for the governments' need for greater certainty regarding the risk to these species, for which there are no other indicator species, than that provided through modeling and "assumptions" alone. The uniqueness of the species, the lack of studies regarding toxicity, behavior and residence time leads to a high degree of uncertainty about risk if we simply model and make "assumptions." A

management objective related to these species communicates the importance of reducing this uncertainty and offers a type of justification for further collection of site specific data regarding these species as we have already highlighted in our prior eco meetings.

Didn't see you at the management meeting this week. Of interest to this email exchange is that Rick Applegate (unknown to us) placed discussion of lamprey and sturgeon sampling on the agenda for the manager's meeting. As Rick explained during the meeting, that the City is concerned that these two species (which are species of concern) are not on the EPA's radar screen in terms of studies that will allow us to attain a reasonable level of certainty concerning the risk that the PH presents to them. The City believes that there are data gaps that should be filled with site specific data. Neither the tribes nor the City are in favor of relying exclusively on modeling and "assumptions" without the collection of site specific data.

We will communicate this message both informally and formally to members of the team. FYI, we have at least one tribal council that is interested in making a public statement in the news regarding their concern over these issues. As I learned this week, they are deeply concerned that we have not been able to convince EPA to request the LWG to sample the eels collected. If EPA focuses on the management objectives, there is a strong likelihood that there would have been a different response. Hopefully this gives you a better backdrop for the issue.

VAL

Chris Thompson wrote:

OMEALY Mikell wrote:

Chris and Val,
Thanks for sending this out. Have you received any feedback?

My sense is that although we had an initial conversation about this at the first Eco Team work session, the whole TCT is going to need to weigh in on whether to amend the Workplan appendices to add management objectives like these, and the full Eco Team will need to be in agreement that the amendment is important (or even critical) to having an effective risk assessment in order to get full TCT buy in. That said, I don't think the Eco Team is there yet.

Thus, what's needed is a clear, written, airtight and persuasive articulation of _why_ language like this needs to be added to the appendices, and _how_ the addition of this language would change what we are doing now and/or what we will do with the Eco RA, the HH RA, and the Feasibility Study. Val - I know you have thoughts

along these lines. I strongly encourage you to put them down in an email to the Eco Team and ask for Eco Team comments. Once you do that, I'll reply to the whole team asking for their comments by a certain date, so we can take it up in a productive, focused discussion at the October 24-25 Eco Team work session. If the Eco Team is in confirmed agreement that we should amend the workplan appendices with management objectives, the Eco Team can make their recommendation to the full TCT. If the TCT agrees (which should be a given if the Eco Team fully supports it and we have the clear justification mentioned above), we'll include this in our direction to the LWG in early November.

Sound good? Let me know if you have other thoughts.

Again, thanks for your work on this.
Mikell

-----Original Message-----

From: Chris Thompson

[<mailto:chris.thompson@eiltd.net>]

Sent: Tuesday, October 11, 2005 2:29 PM

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Cc: valerie.lee@eiltd.net

Subject: Management objectives for Portland Harbor

Hi All,

At an EcoTeam meeting a month or two ago, Val and I argued that the Programmatic Workplan, and the avalanche of documents resulting from it, were lacking some of the essential components of any RI/FS, namely a problem formulation and clearly stated set of management objectives. At our last EcoTeam meeting in Portland on 3-4 October, we revisited this issue. Val presented a short list of Management Objectives, and agreed

to circulate this list as a memo to all group members for further discussion. So, I have attached the list of objectives. Let me know if you have any questions or concerns regarding the list.

Best regards,

Chris

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Hi Mikell,

Thanks for your reply regarding the draft Mnagement Objectives that Val and I sent out. Since I sent the draft Management Objectives out to all members of the EcoTeam, I have not heard back from anyone except you. So, either people have been too busy to read it and reply to it and/or are fine with the content as it is. Eitherway, I think the moist efficient approach is to allocate 30 minutes (less if we don't need thatmuch time) at the next EcoTeam meeting (or the one after that if we don't have time at the next one) to discuss this. Based on the outcome of that meeting, we can decide how to proceed. In short, however, I think it is a slam-dunk to make an "airtight and persuasive articulation of _why_ language like this needs to be added to the appendices, and _how_ the addition of this language would change what we are doing now and/or what we will do with the Eco RA, the HH RA, and the Feasibility Study." In short, a final CSM is supposed to result from the problem formulation. For example, all receptors in the CSM should be identified in the problem formulation. The fact that there

still is not agreement about the need to include lamprey (ammocoetes and adults) and sturgeon as receptors that CAN NOT be addressed by modelling or using other species as proxies for them clearly indicates, at least to us, that these taxa have been seriously overlooked in the problem formulation and, therefore, have not been included as significant management objectives. Anyway, that's my quick "two cents" for what it's worth. Have a nice weekend; see you in Centralia on Monday.

Cheers,

Chris